



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

APR 28 1992

4WD-RCRA/FF

William Gerald Hardy, Chief  
Engineering Services Branch  
Land Division  
Alabama Department of Environmental Management  
1751 Congressman W. L. Dickinson Drive  
Montgomery, Alabama 36130

RE: Use of Appendix VIII and Appendix IX Constituent Lists

Dear Mr. Hardy:

The U.S. Environmental Protection Agency (EPA) recognizes that there is confusion regarding the applicability of 40 Code of Federal Regulations (CFR) Part 261, Appendix VIII and 40 CFR 264, Appendix IX. To provide clarification, we offer the following:

- Clean Closure Equivalency - EPA guidance states "...the most convincing means of demonstrating "clean closure" is by performing thorough Appendix VIII and/or Appendix IX analyses."
- There are physical limits regarding Appendix VIII analytical procedures which prompted the development of Appendix IX.
- EPA supports the use of Appendix IX for sampling at RCRA sites in lieu of Appendix VIII especially since Appendix IX can be used for soil and groundwater samples.
- Chemical constituents can be excluded from equivalency and/or closure testing requirements if documentation based on an in-depth study of historical waste management practices are provided to EPA in a sworn affidavit. Specific wording for the affidavit can be supplied by EPA upon request.

Also, a response to an inquiry from a Florida facility requesting similar clarification is attached for your information.

Should you have any questions, please contact Ms. Lael H. Butler, of my staff, at (404) 347-3433.

Sincerely yours,

*G. Alan Farmer*  
G. Alan Farmer  
Chief, RCRA Branch  
Waste Management Division

Enclosure